

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Tuesday, January 23, 2007 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D Kinser, Chair
Anthony Orange, Co Chair
Troy Smith
Robert M Kirby
Mark Cronin
Ann Rackas Pate
Michael Redifer
Jeffrey Modisett
Wyatt Walton
Ken Hart
Deborah Tomlin
Dorothy Wood

Board Member absent from the meeting was: Jack Miller..

Staff members present for all or part of the meeting were:

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Eric L. Olson, Executive Director
Karen O'Neal, Deputy Director, LRD
Eric Gregory, Assistant Attorney General
Kevin Hoeft, Regulatory Boards Administrator
Karen Kenney, Administrative Assistant
Sheila Watkins, Administrative Assistant
Jeffrey Buckley, Legal Assistant
Joe Haughwout, Legal Assistant
Earlyne Perkins, Legal Analyst
Victoria Traylor, Legal Analyst
Nick Christner, Deputy Director, CID
Jennifer Kazzie, Asst. Director, Adjudication

Chairman Mark Kinser called the meeting to order at 9:11 a.m. and declared a of board members was in attendance.

**Call
To Order**

A motion was made by Mr. Redifer and seconded by Mr. Kirby to approve the agenda as written. The motion passed unanimously. Members voting "Yes" were: Kinser, Kirby, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.

**Approval of
the Agenda**

Miller was absent.

Mr. Walton moved to approve the following minutes as submitted from the:

**Approval of
Minutes**

December 19, 2006, Board for Contractor Meeting
December 7, 2006 Informal Fact Finding Conference
December 11, 2006 Informal Fact Finding Conference
December 12, 2006 Informal Fact Finding Conference
December 14, 2006 Informal Fact Finding Conference
December 14, 2006 Informal Fact Finding Conference
December 20, 2006 Informal Fact Finding Conference

Mr. Modisett seconded the motion and it was unanimously approved by members: Members voting "Yes" were: Kinser, Kirby, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.

Miller was absent.

David Sider, a contractor from Northern Virginia, voiced his concerns with the board regarding unlicensed contractors and contractors not adhering to the regulations. He offered his serves as a special consultant to CID to assist them in investigating complaints.

**Public
Comment
Period**

At 9:20 AM, Mr. Orange stated: Mr. Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to actual and/or potential litigation as permitted § 2.2-3711.A.28 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Eric Olson, Kevin Hoeft, Eric Gregory and David Ashe. This motion is made with respect to the matters identified as Recovery Fund questions and advice of the Attorney General. Mr. Kirby seconded this motion. The motion passed with a unanimous vote. Members voting "yes" were: Cronin, Hart, Kinser, Kirby, Modisett,

**Closed
Session**

Orange, Rackas Pate, Redifer, Smith, Walton, Tomlin and Wood. Miller was absent.

Whereas, the Board for Contractors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification
of Closed
Session**

Whereas, §2.2-3712 of the **Code of Virginia** requires a certification by this Board for Contractors that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved that the Board for Contractors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board for Contractors.

Roll Call Vote; Ayes – Cronin, Miller, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Walton, Hart, Tomlin and Wood.

Absent from meeting and voting was: Mr. Miller.

In the matter of License Application File Number 2007-01920 Farris Jackson t/a S & J Contractors, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-001920
Farris
Jackson t/a
S & J
Contractors**

Applicant Farris Jackson participated in the IFF. He did not attend the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and second by **Mr. Modisett** to **adopt** the Informal fact-Finding Conference Referral Memorandum, which contained the facts regarding the application and adopts the Summary. The Board considered its Regulations: 18 VAC 50-22-40 E and 18 VAC 50-22-40 C, and other applicable law §54.1-204 and 54.1-1108.2 of the Code of Virginia. The Board denies the application based upon the record including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B of the Code of Virginia.

The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of License Application File Number 2007-02028, James A Smith, Jr., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-02028
James A
Smith, Jr.**

Applicant James A Smith appeared at the IFF. He attended the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Walton** and second by **Mrs. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion passed by majority vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of License Application File Number 2007-02030, Aaron Story t/a Story Repair, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-02030
Aaron Story
t/a Story
Repair**

Applicant Aaron Story appeared at the IFF and the Board meeting on behalf of Aaron Story t/a Story Repair. He addressed the Board and shared his agreement with the recommendations. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Mrs. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion was approved by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of License Application File Number 2007-02033, Total Site Development, Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-02033
Total Site
Development,
Inc.**

Applicant McDonald Sutton, Jr. appeared at the IFF. McDonald Sutton, Jr. and Casey Phillips attended the Board meeting and addressed the Board. The presiding Board representative **Ms. Chappell** was not present, did not

participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Walton** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion was approved by majority vote. Members voting "Yes" were: **Kinser, Cronin, Orange, Tomlin, Smith, Hart, Redifer, Walton, Modisett and Rackas Pate.**

Miller was absent.

Mr. Kirby and Ms. Wood voted "no".

In the matter of License Application File Number 2007-02036, David M. Counts, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-02036
David M
Counts**

Applicant David M Counts appeared at the IFF and the Board meeting. He addressed the Board. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mrs. Rackas Pate** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion was approved by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of License Application File Number 2007-02095, F V Landscaping & General Contractors, Inc., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-02095
F V
Landscaping
& General
Contractors,
Inc.**

Applicant Fernando Vergaray participated at the IFF on behalf of **FV Landscaping & General Contractors, Inc.** He attended the Board meeting and addressed the Board. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Modisett** to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference in part and approve the license.

The motion passed by majority vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of License Application File Number 2006-02162, D L Woodward t/a Colonial Homes Center, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2006-02162
D L
Woodward
t/a Colonial
Homes
Center**

Applicant Richard Puckett participated at the IFF. Mr. Puckett and Rev. Terry Sears attended the Board meeting and addressed the Board. The presiding Board representative Ms. Chappell was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by Mrs. Wood and seconded by Mr. Redifer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of License Application File Number 2007-02222, Eric D Ware t/a Deck It, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-02222
Eric D Ware
t/a Deck It**

Applicant Eric D Ware appeared at the IFF and the Board meeting. He addressed the Board and shared his agreement with the recommendation. The presiding Board representative Ms. Chappell was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by Ms. Wood and seconded by Ms. Rackas Pate to adopt the summary and recommendation and grant the license.

The motion was approved majority vote. Members voting "Yes" were: **Kinser, Cronin, Orange, Tomlin, Smith, Hart, Wood, Redifer, Walton, Modisett and Rackas Pate.**

Miller was absent. Mr. Kirby voted "no".

In the matter of License Application File Number 2007-02248, Ciscom Concrete Company, LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-02248
Ciscom
Concrete
Company,
LLC**

Applicant Francisco Lovos appeared at the IFF. He also attended the Board meeting. Mr. Lovos addressed the Board. The presiding Board representative Ms. Chappell was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by Mr. Orange and seconded by Mr. Redifer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion was failed by majority vote. Members voting "Yes" were: Kinser, Orange, Tomlin, Hart and Redifer. Members voting "No" were: Wood, Kirby, Walton, Modisett, Cronin, Smith and Rackas Pate.

Miller was absent.

Mr. Lovos addressed the Board and shared his concerns.

After further discussion a motion was offered by Kirby and seconded by Wood to deny the application based upon the record, including the information obtained from the Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B. after reviewing the facts and the nature of the crimes, the Board is of the opinion they could not protect the health, safety and welfare of the public should the issue a license to Ciscom Concrete Company, LLC due to the seriousness of the crimes and the amount of time that has elapsed since Lovos's last involvement in the commission of a crime.

The motion passed with a majority vote: Members voting 'yes' were: Kinser, Hart, Smith, Rackas Pate, Walton, Modisett, Wood, Kirby and Cronin.

**Members voting "no" were: Redifer, Tomlin and Orange.
Miller was absent.**

In the matter of License Application File Number 2007-02344, Andrew Pitman, Sr., the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2007-02344
Andrew
Pitman, Sr.**

Applicant Andrew Pitman, Sr. appeared at the IFF. He addressed the Board

at the Board meeting. The presiding Board representative **Ms. Chappell** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Orange, Kirby, Cronin, Modisett, Tomlin, Smith, Hart, Wood, Walton and Redifer.**

Miller was absent. Rackas Pate opposed.

In the matter of Recovery Fund File Number 2006-02002, David W Sinnon (Claimant) vs. Robin Cooper t/a R C Cooper & Sons Plumbing & Heating (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Robin Cooper (Regulant)** did not appear at the board meeting. **David W Sinnon (Claimant)** appeared at the board meeting and shared his agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$384.76. The motion passed by majority vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton and Redifer.**

File Number
2006-02002
David W
Sinnon vs
Robin
Cooper t/a R
C Cooper &
Sons
Plumbing &
Heating

Miller was absent. Rackas Pate opposed.

In the matter of Recovery Fund File Number 2006-01081, Betty and Bill Darden (Claimant) vs. Rhonda Keyser t/a Keyzers T L C (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Rhonda Keyser (Regulant)** did not appear at the board meeting. **Bill & Betty Darden (Claimants)** appeared at the board meeting and shared their agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Tomlin** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$3,788.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

File Number
2006-01081
Betty
Darden vs.
Rhonda
Keyser t/a
Keyzers T L
C

Miller was absent.

In the matter of Recovery Fund File Number 2006-01950, Michael Distefano (Claimant) vs. Sweitzer's Exteriors, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Sweitzer's Exteriors, Inc. (Regulant)** did not appear at the board meeting. **Michael Distefano (Claimants)** appeared at the board meeting and shared their agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$10,126.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

File Number
2006-01950
Michael
Distefano vs
Sweitzer's
Exteriors,
Inc.

Miller was absent.

In the matter of Recovery Fund File Number 2006-01962, Margaret Bentley vs Millennium Quests, Inc. t/a American Dream Consultants (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Millennium Quests, Inc. t/a American Dream Consultants (Regulant)** did not appear at the board meeting. **Leonard and Margaret Bentley (Claimants)** and **Carl W Isbrandtsen** their attorney appeared at the board meeting. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Tomlin** to adopt the claim review and reject the hearing officer's recommendation. The claim payment to Margaret Bentley was denied as the Board determined that the provisions of §54.1-1123 of the Code of Virginia prohibits a payment of more than \$20,000.00 arising out of the conduct of a single regulant in connection with a single transaction. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Miller, Tomlin, Smith, Hart, Wood, Orange, Wood, Modisett, Redifer and Rackas Pate.** **Miller was absent.**

File Number
2006-01962
Margaret
Bentley vs
Millennium
Quests, Inc.
t/a
American
Dream
Consultants

The claim review for file 2006-01962 erroneously identifies the claimant as Leonard Bentley, claimant in file 2006-01964, the companion to this claim. The board voted to approve Mr. Bentley's case under the incorrect case number and the record is correct to show the approval to file 2006-01964.

In the matter of Recovery Fund File Number 2006-01964 -, Leonard Bentley (Claimant) vs. Millennium Quests, Inc. t/a American Dream Consultants (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Millennium Quests, Inc. t/a American Dream Consultants (Regulant)** did not appear at the board meeting. **Leonard Bentley (Claimant)** appeared at the board meeting along with their attorney, Mr. Carl W Isbrandtsen and shared their agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Redifer** to adopt the claim review and the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$20,000.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

File Number
2006-01964
Leonard
Bentley vs
Millennium
Qusts, Inc
t/a
American
Dream
Consultants

Miller was absent. The claim review for file 2006-01962 erroneously identifies the claimant as Leonard Bentley, claimant in file 2006-01964, the companion to this claim. The board voted to approve Mr. Bentley's case under the incorrect case number and the record is correct to show the approval to file 2006-01964.

In the matter of Recovery Fund File Number 2006-02732- Prima Facie, James F Carilli (Claimant) vs. Leonard J Hare t/a L J Hare (Regulant); the board reviewed the record, which consisted of the claim file, the summary and recommendation. **Leonard J Hare t/a L J Hare (Regulant)** did not appear at the board meeting. **James F Carilli (Claimant)** appeared at the board meeting. He addressed the Board. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Kirby** to adopt the claim review and approve the claim for payment in the amount of \$6,921.37. The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Wood, Redifer Orange, Walton, Modisett and Rackas Pate.**

File Number
2006-02732
James F
Carilli vs
Leonard J.
Hare t/a L J
Hare

Miller was absent.

In the matter of Recovery Fund File Number 2006-03078, Carl & Alyse Mosca (Claimant) vs. Coastal Cottages & Cabinets, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Coastal Cottages & Cabinets, Inc. (Regulant)** did not appear at the board meeting. **Alyse Mosca (Claimant)** appeared at the board meeting and shared his agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Hart** to adopt the claim review and the hearing officer's recommendations and summary for violations and approve the claim for payment in the amount of \$1,438.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

Miller was absent.

File Number
2006-03078
Carl &
Alyse Mosca
vs Coastal
Cottages &
Cabinets,
Inc.

In the matter of Recovery Fund File Number 2006-03343, Fred & Alison Worrall (Claimants) vs. Robert Williams, Jr., t/a Carpenter's Men (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Robert Williams, Jr., t/a Carpenter's Men (Regulant)** did not appear at the board meeting. **Fred & Alison Worrall (Claimants)** appeared at the board meeting and shared their agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$20,000.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

Miller was absent.

File Number
2006-03343
Fred &
Alison
Worrall vs
Robert
Williams,
Jr., t/a
Carpenter's
Men

In the matter of Recovery Fund File Number 2006-03386, Anthony & Kristy Capizzi (Claimants) vs. Thomas & Thomas Construction, t/a Dominion Building & Construction and Robert Jentilucci, t/a Dominion Building and Construction of VA (Regulants); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Thomas & Thomas Construction, t/a Dominion Building & Construction and Robert Jentilucci, t/a Dominion Building and Construction of VA (Regulants)** did not appear at the board meeting. **Kristy Capizzi (Claimant)** appeared at the board meeting

File Number
2006-03386
Anthony &
Kristy
Capizzi vs
Thomas &
Thomas
Constructio
n, t/a

and shared her agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Ms. Rackas Pate** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$20,000.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

Miller was absent.

In the matter of Recovery Fund File Number 2006-03400, Raymond Ancone (Claimant) vs. William Bulifant, t/a Bulifant & Co. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **William Bulifant, t/a Bulifant & Co. (Regulant)** did not appear at the board meeting. **Raymond Ancone (Claimant)** and his attorney, **Graham T. Jennings** appeared at the board meeting and shared their agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Rackas Pate** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$20,000.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

Miller was absent.

In the matter of Recovery Fund File Number 2006-03402, Gary Urso(Claimant) vs. Gretchen Henninger, t/a Home Design Concrete (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Gretchen Henninger, t/a Home Design Concrete (Regulant)** did not appear at the board meeting. **Gary Urso (Claimant)** did not appear at the board meeting. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Orange** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$3,950.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

**Dominion
Building &
Constructio
n and
Robert
Jentilucci,
t/a
Dominion
Building and
Construct-
ion of VA**

**File Number
2006-03400
Raymond
Ancone vs
William
Bulifant, t/a
Bulifant &
Co.**

**File Number
2006-03402
Gary Urso
vs
Gretchen
Henninger,
t/a Home
Design
Concrete**

Miller was absent.

In the matter of Recovery Fund File Number 2006-03512, Frank & Dorothy Ognibene(Claimant) vs. CW Contracting, LLC (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **CW Contracting, LLC. (Regulant)** did not appear at the board meeting. **Frank & Dorothy Ognibene (Claimants)** appeared at the board meeting and shared their agreement with the recommendation. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Redifer** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$13,375.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

File Number
2006-03512
Frank &
Dorothy
Ognibene vs
CW
Contracting
LLC

Miller was absent.

In the matter of Recovery Fund File Number 2006-03556, Henry Jones (Claimant) vs. R. Wayne Dorman, t/a All-Around Construction Home Improvements (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **R. Wayne Dorman, t/a All-Around Construction Home Improvements (Regulant)** did not appear at the board meeting. **Henry Jones (Claimant)** did not appear at the board meeting. **Mr. Ward**, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and approved the claim for payment in the amount of \$11,744.00. The motion passed by unanimous vote. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Modisett, Wood, Orange, Walton, Redifer and Rackas Pate.**

File Number
2006-03556
Henry Jones
vs R. Wayne
Dorman, t/a
All-Around
Constructio
n Home
Improve-
ments

Miller was absent.

In the matter of Recovery Fund File Number 2006-03793- Prima Facie, Nancy Snead (Claimant) vs. Rose M. Kidwell, t/a Top Job (Regulant); the board reviewed the record, which consisted of the claim file, the summary and recommendation. **Rose M. Kidwell, t/a Top Job (Regulant)** did not appear at the board meeting. **Nancy Snead (Claimant)** appeared at the board

File Number
2006-03793
Nancy
Snead vs
Rose M.

meeting. She addressed the Board. After discussion, a motion was made by **Mr. Orange** and seconded by **Ms. Rackas Pate** to adopt the claim review and approve the claim for payment in the amount of \$1,400.00. The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Hart, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.**

**Kidwell, t/a
Top Job**

Miller was absent.

At 10:20 A.M., the Board took a break and reconvened at 11:01 A.M.

**Recess and
Reconvened**

In the matter of Disciplinary File Number 2006-03096, Copper Hill Construction and Remodeling Inc. (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Jeffrey Ellis on behalf of Copper Hill Construction and Remodeling, Inc. (Respondent)** appeared at the IFF, but not the board meeting. **John Mark Imperial (Complainant)** attended the IFF.

**File Number
2006-03096
Copper Hill
Constructio
n and
Remodeling,
Inc.**

As the Board Representative, **Mr. Hart** was not present and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Copper Hill Construction and Remodeling, Inc.** violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 14

Count 3: 18 VAC 50-22-260 B 16

Count 4: 18 VAC 50-22-260 B 13

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to impose the following sanctions: \$300.00 monetary penalty for the violation of Count 1; \$2,500.00 monetary penalty for the violation of Count 2; \$2,500.00 monetary penalty for the violation of Count 3; and \$2,500.00 monetary penalty for the violation of Count 4. Total monetary penalty is

\$7,800.00. The Board further imposes revocation of license (Number 2705-064818) for the violations of Counts 2, 3, and 4. As to Counts 2, 3, and 4, the Board voted to impose the monetary penalties to be consistent with previous Board action involving the revocation of a license.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-03141, Robert C Daley, t/a American Quality Construction (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Robert Daley, t/a American Quality Construction (Respondent) nor anyone on its behalf appeared at the IFF or the board meeting. Lee and Barbara Tainter (Complainants) attended the IFF and the board meeting. They shared their agreement with the recommendations.**

**File Number
2006-03141
Robert
Daley, t/a
American
Quality
Construct-
ion**

As the Board Representative, **Mr. Hart** was not present and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Tomlin** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Robert Daley, t/a American Quality Construction** violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 9

Count 3: 18 VAC 50-22-260 B 27

Count 4: 18 VAC 50-22-260 B 31

Count 5: 18 VAC 50-22-260 B 15

Count 6: 18 VAC 50-22-260 B 16

Count 7: 18 VAC 50-22-260 B 28

Count 8: 18 VAC 50-22-230 B

Count 9: 18 VAC 50-22-260 B 13

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Kirby** and seconded by **Ms.**

Wood to impose the following sanctions: \$500.00 monetary penalty for the violation of Count 1; \$600.00 monetary penalty for the violation of Count 2; \$2,000.00 monetary penalty for the violation of Count 3; \$2,500.00 monetary penalty for the violation of Count 5; \$2,500.00 monetary penalty for the violation of Count 6; \$2,000.00 monetary penalty for the violation of Count 7; \$250.00 monetary penalty for the violation of Count 8; and \$2,000.00 monetary penalty for the violation of Count 9. Total monetary penalty is \$12,350.00. In addition, for violation of Counts 1, 2 and 8, the Board voted to require Robert C. Daley have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. The Board also imposes revocation of license (Number 2705-096234) for the violation of Counts 3, 5, 6, 7, and 9. As to Count 4, the Board voted to close this aspect of the file with a finding of no violation.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-03294, Dr. Do-All, Inc. (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Dr. Do-All, Inc.(Respondent)** nor anyone on its behalf appeared at the IFF or the board meeting.

File Number
2006-03294
Dr. Do-All,
Inc.

As the Board Representative, **Mr. Hart** was not present and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Dr. Do-All, Inc.** violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-220 B

Count 2: 18 VAC 50-22-220 C

Count 3: 18 VAC 50-22-260 B 13

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to impose the following sanctions: \$250.00 monetary penalty for the violation of Count 1; \$250.00 monetary penalty for the violation of Count 2; and \$1,000.00 monetary penalty for the violation of Count 3. Total monetary penalty is \$1,500.00. The Board further imposes revocation of license (Number 2705-057308) for the violations of Counts 1, 2, and 3. The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-03516, Robert C Daley, t/a American Quality Construction (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Robert Daley, t/a American Quality Construction (Respondent) nor anyone on its behalf appeared at the IFF or the board meeting. Mary Farrell (Complainant) attended the IFF.**

**File Number
2006-03516
Robert
Daley, t/a
American
Quality
Construct-
ion**

As the Board Representative, **Mr. Hart** was not present and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Robert Daley, t/a American Quality Construction** violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B

Count 2: 18 VAC 50-22-260 B 27

Count 3: 18 VAC 50-22-260 B 5

Count 4: 18 VAC 50-22-260 B 13

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to impose the following sanctions: \$800.00 monetary penalty for the violation of Count 1; \$2,000.00 monetary penalty for the violation of Count 2; \$2,500.00 monetary penalty for the violation of Count 3; and \$2,000.00 monetary penalty for the violation of Count 4. Total monetary penalty is \$7,300.00. In addition, for violation of Counts 1, the Board voted to require

Board for Contractors Meeting Minutes

January 23, 2007

Page 18 of 48

Robert C. Daley have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. The Board also imposes revocation of license (Number 2705-096234) for the violation of Counts 2, 3 and 4.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-03802, Realistic Painting & Home Improvements, LLC, t/a Realistic Painting & Home Improvements, LLC (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Realistic Painting & Home Improvements, LLC, t/a Realistic Painting & Home Improvements, LLC(Respondent)** nor anyone on its behalf appeared at the IFF or the board meeting. **Timothy Lawrence (Complainant)** attended the IFF and the board meeting. He shared his agreement with the recommendations.

**File Number
2006-03802
Realistic
Painting &
Home
Improvements, LLC, t/a
Realistic
Painting &
Home
Improvements LLC**

As the Board Representative, **Mr. Hart** was not present and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Realistic Painting & Home Improvements, LLC** violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 27

Count 3: 18 VAC 50-22-260 B 6

Count 4: 18 VAC 50-22-260 B 6

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Ms. Wood** and seconded by **Ms. Rackas Pate** to impose the following sanctions: \$1,000.00 monetary penalty for the violation of Count 1; \$2,000.00 monetary penalty for the violation of Count 3; and \$2,500.00 monetary penalty for the violation of Count 4. Total monetary penalty is \$5,500.00. The Board also imposes revocation of license (Number 2705-099618) for the violation of Counts 1, 3 and 4. As to Count 2,

the Board voted to close this aspect of the file with a finding of no violation.

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

In the matter of Disciplinary File Number 2006-04390, Copper Hill Construction and Remodeling Inc. (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Jeffrey Ellis on behalf of Copper Hill Construction and Remodeling, Inc. (Respondent)** appeared at the IFF, but not the board meeting. **Dale Parsons (Complainant)** attended the IFF.

**File Number
2006-04390
Copper Hill
Constructio
n and
Remodeling,
Inc.**

As the Board Representative, **Mr. Hart** was not present and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Ms. Tomlin** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Copper Hill Construction and Remodeling, Inc.** violated the following sections of its Regulations:

(Effective September 1, 2001)
Count 1: 18 VAC 50-22-260 B 8
Count 2: 18 VAC 50-22-260 B 9
Count 3: 18 VAC 50-22-260 B 14
Count 4: 18 VAC 50-22-260 B 16
Count 5: 18 VAC 50-22-260 B 28
Count 6: 18 VAC 50-22-260 B

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

After discussion a motion was made by **Mr. Orange** and seconded by **Mr. Kirby** to impose the following sanctions: \$200.00 monetary penalty for the violation of Count 1; \$300.00 monetary penalty for the violation of Count 2; \$2,500.00 monetary penalty for the violation of Count 4; \$2,500.00 monetary penalty for the violation of Count 5; and \$600.00 monetary penalty for the violation of Count 6. Total monetary penalty is \$6,100.00. The Board further imposes revocation of license (Number 2705-064818) for the violations of Counts 3, 4 and 5. As to Counts 4 and 5, the Board voted to impose the

monetary penalties to be consistent with previous Board action involving the revocation of a license.

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

In the matter of Disciplinary File Number 2006-04715, Copper Hill Construction and Remodeling Inc. (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Jeffrey Ellis on behalf of Copper Hill Construction and Remodeling, Inc. (Respondent)** appeared at the IFF, but not the board meeting.

**File Number
2006-04715
Copperhill
Construct-
ion &
Remodeling,
Inc.**

As the Board Representative, **Mr. Hart** was not present and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Redifer** to close this case with a finding of no violation.

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Redifer, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

In the matter of Disciplinary File Number 2005-04949, Gerald W. Clark, Jr., t/a Blalock Seamless Gutters and Home Repairs (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Gerald W. Clark, Jr., t/a Blalock Seamless Gutters and Home Repairs (Respondent)** nor anyone on its behalf appeared at the IFF or the board meeting.

**File Number
2005-04949
Gerald W.
Clark, Jr.,
t/a Blalock
Seamless
Gutters and
Home
Repairs**

As the Board Representative, **Mr. Redifer** was not present and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Orange** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Gerald W. Clark, Jr., t/a Blalock Seamless Gutters and Home Repairs** violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 8

Count 2: 18 VAC 50-22-260 B 15

Count 3: 18 VAC 50-22-260 B 16

Count 4: 18 VAC 50-22-230 B

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

After discussion a motion was made by **Mr. Walton** and seconded by **Mr. Cronin** to impose the following sanctions: \$350.00 monetary penalty for the violation of Count 1; \$2,500.00 monetary penalty for the violation of Count 2; \$2,500.00 monetary penalty for the violation of Count 3; and \$350.00 monetary penalty for the violation of Count 4. Total monetary penalty is \$5,700.00. In addition, for violation of Counts 1 and 4 the Board voted to require Gerald W. Clark, Jr. have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. The Board further imposes revocation of license (Number 2705-052477) for the violations of Counts 2 and 3.

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

In the matter of Disciplinary File Number 2006-03966, Rick Pence, t/a Rick's Backhoe Service (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Rick Pence, t/a Rick's Backhoe Service (Respondent)** nor anyone on its behalf appeared at the IFF or the board meeting.

**File Number
2006-03966
Rick Pence,
t/a Rick's
Backhoe
Service**

As the Board Representative, **Mr. Redifer** was not present and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Ms. Rackas Pate** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Rick Pence, t/a Rick's Backhoe Service** violated the following sections of its Statute:

Count 1: § 54.1-111- of the Code of Virginia

The motion was approved unanimously. Members voting "Yes" were:

Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

After discussion a motion was made by **Mr. Orange** and seconded by **Ms. Walton** to impose the following sanction: revocation of license (Number 2705-088583) for the violation of the Statute.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-04395, Advance Contracting, Inc. (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Advance Contracting, Inc.(Respondent) nor anyone on its behalf appeared at the IFF or the board meeting. Diane Pauza, (Complainant) attended the IFF.**

**File Number
2006-04395
Advance
Contracting,
Inc.**

As the Board Representative, **Mr. Redifer** was not present and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Advance Contracting, Inc.** violated the following sections of its Regulations:

(Effective September 1, 2001)
Count 1: 18 VAC 50-22-260 B 6
Count 2: 18 VAC 50-22-260 B 17
Count 3: 18 VAC 50-22-260 B 5
Count 4: 18 VAC 50-22-260 B 13

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to impose the following sanctions: \$350.00 monetary penalty for the violation of Count 1; \$2,500.00 monetary penalty for the violation of Count 2; \$1,500.00 monetary penalty for the violation of Count 3; and \$1,500.00

Board for Contractors Meeting Minutes

January 23, 2007

Page 23 of 48

monetary penalty for the violation of Count 4. Total monetary penalty is \$5,850.00. In addition, for violation of Counts 1, 2 and 4, the Board voted to require Advance Contracting, Inc. have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. The Board further imposes revocation of license (Number 2705-081340) for the violations of the regulations. The Board voted to impose the sanction of license revocation due to the actions of the licensee rises to the level of fraudulent activity and to be consistent with previous Board action.

The motion was approved by a majority vote. Members voting "Yes" were: **Kinser, Kirby, Tomlin, Smith, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.** Mr. Cronin voted "no."

Miller was absent.

In the matter of Disciplinary File Number 2007-00478, Dennis Kieth Dutton, t/a D & D Home Improvements (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Dennis Kieth Dutton, t/a D & D Home Improvements (Respondent)** nor anyone on its behalf appeared at the IFF or the board meeting. **Nathan Sowder, (Complainant)** attended the IFF.

File Number
2007-00478
Dennis
Kieth
Dutton, t/a
D & D
Home
Improve-
ments

As the Board Representative, **Mr. Redifer** was not present and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Modisett** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Dennis Kieth Dutton, t/a D & D Home Improvements** violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 5

Count 2: 18 VAC 50-22-230 B

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Orange** to impose the following sanctions: \$2,000.00 monetary penalty for the violation of Count 1; and \$1,200.00 monetary penalty for the violation of Count 2. Total monetary penalty is \$3,200.00. In addition, for violation of

Board for Contractors Meeting Minutes

January 23, 2007

Page 24 of 48

Counts 1 and 2 the Board voted to require Dennis Kieth Dutton have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. The Board further imposes revocation of license (Number 2705-037403) for the violations of Count 1. As to Count 1, the Board imposes the sanction of license revocation due to the severity of the violation, the licensee's continued failure to abate the code violations and to be consistent with previous Board Action.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Smith, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-01160, Savy Construction Company (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Donald O'Baugh, on behalf of Savy Construction Company (Respondent)** attended the IFF, but not the board meeting. **Stuart and Stacy Brown (Complainants)** attended the IFF and the board meeting. They shared their agreement with the recommendations.

**File Number
2006-01160
Savy
Construct-
ion
Company**

As the Board Representative, **Mr. Smith** was not present and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Cronin** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Savy Construction Company**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 27

Count 2: 18 VAC 50-22-260 B 15

Count 3: 18 VAC 50-22-260 B 31

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Orange** to impose the following sanctions: \$2,000.00 monetary penalty for the violation of Count 1; \$2,000.00 monetary penalty for the violation of

Count 2; and \$600.00 monetary penalty for the violation of Count. Total monetary penalty is \$4,600.00. In addition, for violation of Counts 1 and 3 the Board voted to require Savy Construction Company have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. As to Count 1, the Board voted to impose the monetary penalty to be consistent with previous Board action.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-03591, Accessory Building Concepts, Inc. (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Accessory Building Concepts, Inc. (Respondent)** nor anyone on its behalf appeared at the IFF or the board meeting. **Mark Moulton (Complainant)** attended the IFF.

**File Number
2006-03591
Accessory
Building
Concepts,
Inc.**

As the Board Representative, **Mr. Smith** was not present and did not vote. After discussion, a motion was made by **Mr. Orange** and seconded by **Mr. Walton** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Accessory Building Concepts, Inc.**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-230 A

Count 2: 18 VAC 50-22-260 B 9

Count 3: 18 VAC 50-22-260 B 15

Count 4: 18 VAC-50-22-260 B 13

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Walton** and seconded by **Ms. Rackas Pate** to impose the following sanctions: \$400.00 monetary penalty for the violation of Count 1; \$400.00 monetary penalty for the violation of Count 2; \$2,200.00 monetary penalty for the violation of Count 3; and \$2,500.00 monetary penalty for the violation of Count 4. Total monetary

penalty is \$5,500.00. In addition, for violation of Counts 1 and 2 the Board voted to require Accessory Building Concepts, Inc. have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. Furthermore, the Board voted to impose revocation of license (Number 2705-006069) for the violation of Count 4.

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

In the matter of Disciplinary File Number 2006-04397, Rudolph Riley, t/a Riley Contracting (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Amy Hines** attended the board meeting.

File Number
2006-04397
Rudolph
Riley, t/a
Riley
Contracting

As the Board Representative, **Mr. Smith** was not present and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to continue this case to the Board's February 27, 2007 meeting due to internal staff mail issue for meeting notification.

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

In the matter of Disciplinary File Number 2006-04741, Savy Construction Company (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Donald O'Baugh, on behalf of Savy Construction Company (Respondent)** attended the IFF, but not the board meeting.

File Number
2006-04741
Savy
Construct-
ion
Company

As the Board Representative, **Mr. Smith** was not present and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Savy Construction Company**, did not violate its Regulations:

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

In the matter of Disciplinary File Number 2006-04964, Bernard V Kelly, t/a Australian Landscaping (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Bernard V. Kelly, t/a Australian Landscaping (Respondent)** attended the IFF, but not the board meeting.

**File Number
2006-04964
Bernard V
Kelly, t/a
Australian
Landscaping**

As the Board Representative, **Mr. Smith** was not present and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Bernard V. Kelly, t/a Australian Landscaping**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 22

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate. Miller was absent.**

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to impose no monetary penalty pursuant to § 54.1-202, of the Code of Virginia, for the violation of the regulation.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-04968 Australian Landscaping and Construction, Inc.(Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Bernard Kelly, on behalf of Australian Landscaping and Construction, Inc. (Respondent)** attended the IFF, but not the board meeting.

**File Number
2006-04968
Australian
Landscaping
and
Constructio
n, Inc.**

As the Board Representative, **Mr. Smith** was not present and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the

Informal Fact-Finding Conference with Recommendations. The Board found **Australian Landscaping and Construction, Inc.**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 22

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.** Miller was absent.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Kirby** to impose no monetary penalty for the violation.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-00349, Claire Serena Williams, t/a Seneca Services (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Claire Serena Williams, t/a Seneca Services (Respondent) nor anyone on her behalf appeared at the IFF or the board meeting. Jim Welsh (Complainant) attended the IFF.**

File Number
2006-00349
Claire
Serena
Williams, t/a
Seneca
Services

As the Board Representative, **Ms. Wall** was not present and did not vote. After discussion, a motion was made by **Mr. Walton** and seconded by **Mr. Orange** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Claire Serena Williams, t/a Seneca Services**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 18

Count 2: 18 VAC 50-22-260 B 28

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Walton** and seconded by **Mr.**

Board for Contractors Meeting Minutes

January 23, 2007

Page 29 of 48

Redifer to impose the following sanctions: \$700.00 monetary penalty for the violation of Count 1; and \$2,000.00 monetary penalty for the violation of Count 2. Total monetary penalty is \$2,700.00. The Board voted to impose revocation of license (Number 2705-080538) for the violation of Counts 1 and 2.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-01924, The M C Johnson Group (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither The M C Johnson Group (Respondent) nor anyone on its behalf appeared at the IFF or the board meeting. Althea M. Roache-McDonald (Complainant) attended the IFF.**

**File Number
2006-01924
The M C
Johnson
Group**

As the Board Representative, **Ms. Wall** was not present and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Walton** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **The M C Johnson Group**, violated the following sections of its Regulations:

(Effective January 1, 2003)

Count 1: 18 VAC 50-22-260 B 9

Count 2: 18 VAC 50-22-260 B 6

Count 3: 18 VAC 50-22-260 B 31

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Hart** to impose the following sanctions: \$500.00 monetary penalty for the violation of Count 1; \$800.00 monetary penalty for the violation of Count 2; and \$400.00 monetary penalty for the violation of Count 3. Total monetary penalty is \$1,700.00. In addition, for violation of Counts 1, the Board voted to require **The M C Johnson** have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. The Board voted to impose

revocation of license (Number 2705-081802) for the violation of Counts 2 and 3.

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

In the matter of Disciplinary File Number 2006-02939, Travis MacDermott, t/a T & W Designs (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Travis MacDermott, t/a T & W Designs (Respondent)** nor anyone on his behalf appeared at the IFF or the board meeting.

File Number
2006-02939
Travis
MacDermott
, t/a T & W
Designs

As the Board Representative, **Ms. Wall** was not present and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Walton** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Travis MacDermott, t/a T & W Designs**, violated the following sections of its Regulations:

(Effective September 1, 2001)
Count 1: 18 VAC 50-22-260 B 8
Count 2: 18 VAC 50-22-260 B 9
Count 3: 18 VAC 50-22-260 B 15
Count 4: 18 VAC 50-22-260 B 13
Count 5: 18 VAC 50-22-230 B
Count 6: 18 VAC 50-22-260 B 28

The motion was approved unanimously. Members voting "Yes" were:
Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.

Miller was absent.

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Walton** to impose the following sanctions: \$300.00 monetary penalty for the violation of Count 1; \$300.00 monetary penalty for the violation of Count 2; \$1,700.00 monetary penalty for the violation of Count 3; \$1,300.00 monetary penalty for the violation of Count 4; \$500.00 monetary penalty for the violation of Count 5; and \$1,900.00 monetary penalty for the violation of Count 6. Total monetary penalty is \$6,000.00. In addition, for violation of Counts 1, 2 and 5, the Board voted to require Travis MacDermott have a member of Responsible Management successfully complete a Board-

approved remedial education class within 90 (ninety) days of the effective date of this Order. Furthermore, the Board voted to impose revocation of license (Number 2705-077676) for the violation of Counts 3, 4 and 6.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-04429, Matthew Wayne Westfall, t/a Matt Westfall (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Matthew Wayne Westfall, t/a Matt Westfall (Respondent)** nor anyone on his behalf appeared at the IFF or the board meeting.

**File Number
2006-04429
Matthew
Wayne
Westfall, t/a
Matt
Westfall**

As the Board Representative, **Ms. Wall** was not present and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Matthew Wayne Westfall, t/a Matt Westfall**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 22 (three violations)

Count 2: 18 VAC 50-22-260 B 23 (three violations)

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Kirby** to impose the following sanctions: \$1,950.00 monetary penalty (three violations @ \$650.00 each violation) for the violation of Count 2. Total monetary penalty is \$1,950.00. The Board voted to impose revocation of license (Number 2705-047246) for the violation of Counts 1 and 2. No monetary was assessed for Count 1.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-04689, Michael Keeton, t/a M & B Siding and Windows (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither Michael Keeton, t/a M & B Siding and Windows (Respondent) nor anyone on his behalf appeared at the IFF or the board meeting. Sandra Fossett (Complainant) attended the IFF.**

**File Number
2006-04689
Michael
Keeton, t/a
M & B
Siding and
Windows**

As the Board Representative, **Ms. Wall** was not present and did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Michael Keeton, t/a M & B Siding and Windows**, violated the following sections of its Regulations:

(Effective February 1, 2006)
Count 1: 18 VAC 50-22-260 B 9
(Effective September 1, 2001)
Count 2: 18 VAC 50-22-260 B 6

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Kirby** and seconded by **Mr. Redifer** to impose the following sanctions: \$600.00 monetary penalty for the violation of Count 1; and \$800.00 monetary penalty for the violation of Count 2. Total monetary penalty is \$1,400.00. In addition, for violation of Count 1, the Board voted to require Michael Keaton, t/a M & B Siding and Windows have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. Furthermore, the Board voted to impose revocation of license (Number 2705-104945) for the violation of Count 2.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2006-04784, The M C Johnson Group (Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Neither The M C Johnson Group (Respondent) nor anyone on his behalf appeared at the IFF or the board meeting. George and Gayle Liakos (Complainants) attended the IFF.**

File Number
2006-04784
The M C
Johnson
Group

As the Board Representative, **Ms. Wall** was not present and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **The M C Johnson Group**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: 18 VAC 50-22-260 B 9 (two violations)

Count 2: 18 VAC 50-22-260 B 16

Count 3: 18 VAC 50-22-260 B 6

Count 4: 18 VAC 50-22-260 B 13

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Mr. Redifer** and seconded by **Ms. Wood** to impose the following sanctions: \$800.00 monetary penalty (two violations @ \$400.00 each violation) for the violation of Count 1; \$2,000.00 monetary penalty for the violation of Count 2; \$800.00 monetary penalty for the violation of Count 3; and \$1,300.00 monetary penalty for the violation of Count 4. Total monetary penalty is \$4,900.00. In addition, for violation of Counts 1, the Board voted to require The M C Johnson Group have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety) days of the effective date of this Order. Furthermore, the Board voted to impose revocation of license (Number 2705-081802) for the violation of Counts 2, 3 and 4.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2007-00400 Design and Construction, LLC, t/a Design and Construction, LLC (Respondent); the

File Number
2007-00400

board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. Neither **Design and Construction, LLC, t/a Design and Construction, LLC (Respondent)** nor anyone on its behalf appeared at the IFF or the board meeting.

**Design and
Construct-
ion, LLC, t/a
Design and
Construct-
ion, LLC**

As the Board Representative, **Ms. Wall** was not present and did not vote. After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Kirby** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found **Design and Construction, LLC, t/a Design and Construction LLC**, violated the following sections of its Regulations:

(Effective September 1, 2001)

Count 1: § 54.1-1110 of the Code of Virginia

Count 2: 18 VAC 50-22-260 B 13

Count 3: 18 VAC 50-22-230 B

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Kirby** to impose the following sanctions: \$1,300.00 monetary penalty for the violation of Count 2; and \$500.00 monetary penalty for the violation of Count 3. Total monetary penalty is \$1,800.00. Also, the Board voted to impose revocation of license (Number 2705-087489) for the violation of Counts 1, 2 and 3.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Smith, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Disciplinary File Number 2005-00695 **Carpenter Remodeling and Construction Inc.(Respondent)**; the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. Neither **Carpenter** nor anyone representing **Carpenter Remodeling and Construction Inc. (Respondent)** attended the IFF or the board meeting.

**File Number
2005-00695
Carpenter
Remodeling
and
Construct-
ion, Inc.**

As the Board Representatives, **Mr. Kinser** and **Ms. Wall** was not present and

did not vote. After discussion, a motion was made by **Mr. Kirby** and seconded by **Ms. Wood** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board voted to close this case with a finding of no violations.

The motion was approved unanimously. Members voting "Yes" were: **Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.** **Miller was absent.**

In the matter of Disciplinary File Number 2006-03521, Woodcraft Visions, Inc.(Respondent); the board reviewed the record, which consisted of the disciplinary file, transcript and exhibits from the IFF, and the summary and recommendation. **Woodcraft** did not attend the board meeting. They requested a continuance to the February 27th, 2007 Board meeting.

File Number
2006-03521
Woodcraft
Visions, Inc.

As the Board Representatives, **Mr. Smith** and **Ms. Wall** were not present and did not vote. After discussion, a motion was made by **Mr. Redifer** and seconded by **Ms. Rackas Pate** to continue this case at the Board's February 27, 2007 meeting.

The motion was approved unanimously. Members voting "Yes" were: **Kinser, Kirby, Cronin, Tomlin, Redifer, Wood, Hart, Orange, Walton, Modisett and Rackas Pate.**

Miller was absent.

In the matter of Consent Order File Number 2006-04103, Board v. Dover Creek Builders, Inc., the Board reviewed the Consent Order. **Brandon Pettitt** attended the board meeting and addressed the Board.

File Number
2006-04103
Dover Creek
Builders,
Inc.

Dover Creek Builders, Inc., acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: **Count 1: 18 VAC 50-22-260. B.31 \$400.00. A total monetary penalty of \$400.00 is hereby imposed. Dover Creek Builders, Inc. also agrees to pay \$150.00 in Board costs.**

Upon a motion by **Ms. Wood** seconded by **Mr. Redifer** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.**

Miller was absent.

In the matter of Consent Order File Number 2006-04552, Board v. Ernest Martin, Jr., t/a Martin Home Improvement, the Board reviewed the Consent Order. Ernest Martin, Jr. appeared at the Board meeting and he addressed the Board.

**File Number
2006-04552
Ernest
Martin, Jr.,
t/a Martin
Home
Improve-
ment**

Ernest Martin, Jr., t/a Martin Home Improvement, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.9 \$100.00; Count 2: 18 VAC 50-22-260.B.27 \$300.00; Count 3: 18 VAC 50-22-260.B.27 \$300.00; Count 4 18 VAC 50-22-260.B.6 \$500.00 and Count 5: 18 VAC 50-22-260.B.31 \$50.00. A total monetary penalty of \$1,250.00 is hereby imposed. In addition, for violation of Counts 1 through 5, Ernest Martin, Jr. agrees to successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Ernest Martin, Jr. also agrees to pay \$150.00 in Board costs.

Upon a motion by Mr. Redifer seconded by Mr. Hart the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

In the matter of Consent Order File Number 2005-04448, Board v. Homes By Ron, Inc., t/a Homes By Ron, Inc., the Board reviewed the Consent Order.

**File Number
2005-04448
Homes By
Ron, Inc., t/a
Homes By
Ron, Inc.**

Homes By Ron, Inc., t/a Homes By Ron, Inc., acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-230.A \$350.00. A total monetary penalty of \$350.00 is hereby imposed. In addition, for violation of Count 1, Homes By Ron, Inc., t/a Homes By Ron, Inc. agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Homes By Ron, Inc. also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

In the matter of Consent Order File Number 2005-04504, Board v. JJ

File Number

Construction & Remodeling, Inc., t/a JJ Remodeling, Inc., the Board reviewed the Consent Order.

**2005-04504
JJ
Constructio
n &
Remodeling,
Inc., t/a JJ
Remodeling,
Inc.**

JJ Construction & Remodeling, Inc., t/a JJ Remodeling, Inc., acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.6 \$400.00; Count 2: 18 VAC 50-22-260.B.9 \$400.00; Count 3: 18 VAC 50-22-260.B.15 \$1,000.00; Count 4: 18 VAC 50-22-260.B.16 \$1,000.00 and Count 5: 18 VAC 50-22-260.B.25 \$800.00. A total monetary penalty of \$3,600.00 is hereby imposed. In addition, for violation of Counts 3, 4 and 5, JJ Construction & Remodeling, Inc. agrees to revocation of its license (Number 2705-073994). JJ Construction & Remodeling, Inc. also agrees to pay \$150.00 in Board costs.

Upon a motion by Mr. Kinser seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin and Walton. As the Board Representative, Ms. Wood did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2006-00123, Board v. Kristian D. Kontur & Anthony W. Kontur, t/a Timberline Design Build, the Board reviewed the Consent Order.

**File Number
2006-00123
Kristian D.
Kontur &
Anthony W.
Kontur, t/a
Timberline
Design Build**

Kristian D. Kontur & Anthony W. Kontur, t/a Timberline Design Build, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-210 \$500.00; Count 2: 18 VAC 50-22-230.A \$500.00; Count 3: 18 VAC 50-22-260.B.6 \$250.00; Count 4: 18 VAC 50-22-260.B.15 \$500.00; Count 5: 18 VAC 50-22-260.B.31 \$250.00 and Count 6: 18 VAC 50-22-260.B.13 \$500.00. A total monetary penalty of \$2,500.00 is hereby imposed. In addition, Kristian D. Kontur & Anthony W. Kontur agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Kristian D. Kontur & Anthony W. Kontur also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

As the Board Representative, Mr. Kinser did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2006-02364, Board v. Rycon Construction, Inc., t/a Rycon Construction, Inc., the Board reviewed the Consent Order.

**File Number
2006-02364
Rycon
Constructio
n, Inc., t/a
Rycon
Constructio
n, Inc.**

Rycon Construction, Inc., t/a Rycon Construction, Inc., acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-230.A \$0.00; Count 2: 18 VAC 50-22-260.B.6 \$1,000.00 and Count 3: 18 VAC 50-22-260.B.31 \$0.00. A total monetary penalty of \$1,000.00 is hereby imposed. In addition, for violation of Counts 1, 2, and 3, Rycon Construction, Inc. agrees to terminate its license (Number 2705-038094) by completing a Certificate of License Termination form and submitting it to the Board within thirty (30) days of the effective date of the Order. Rycon Construction, Inc. also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

In the matter of Consent Order File Number 2006-02452, Board v. Kenneth H. Middleton, Jr., t/a M & M Home Improvement, the Board reviewed the Consent Order.

**File Number
2006-02452
Kenneth H.
Middleton,
Jr., t/a M &
M Home
Improvemen
t**

Kenneth H. Middleton, Jr., t/a M & M Home Improvement, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-230.A \$500.00; Count 2: 18 VAC 50-22-260.B.18 \$500.00; Count 3: 18 VAC 50-22-260.B.19 \$500.00; Count 4: 18 VAC 50-22-260.B.9 \$200.00; Count 5: 18 VAC 50-22-260.B.27 \$1,000.00 and Count 6: 18 VAC 50-22-260.B.16 \$500.00. A total monetary penalty of \$3,200.00 is hereby imposed. In addition, Kenneth H. Middleton, Jr. agrees to successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Kenneth H. Middleton, Jr. also agrees to pay \$500.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the

Board for Contractors Meeting Minutes

January 23, 2007

Page 39 of 48

consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood. Mr. Orange did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2006-03095, Board v. Jason Todd Griffin, t/a Jason T. Griffin Carpenter, the Board reviewed the Consent Order. Ernest Martin, Jr. appeared at the Board meeting and he addressed the Board.

File Number
2006-03095
Jason Todd
Griffin, t/a
Jason T.
Griffin
Carpenter

Jason Todd Griffin, t/a Jason T. Griffin Carpenter, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-230.A \$0.00 and Count 2: 18 VAC 50-22-260.B.8 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, Jason Todd Griffin agrees to terminate his license (Number 2705-059994) by completing a Certificate of License Termination form and submitting it to the Board within ninety (90) days of the effective date of the Order. As to Count 1, it is noted that Jason T. Griffin, t/a Griffin Enterprises was issued Class A license number 2705-106137 on July 18, 2006.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, , Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood. As the Board representative, Mr. Kinser did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2006-03116, Board v. Billy K. Matney, t/a Matney Vinyl Works, the Board reviewed the Consent Order.

File Number
2006-03116
Billy K.
Matney, t/a
Matney
Vinyl Works

Billy K. Matney, t/a Matney Vinyl Works, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.9 \$550.00. A total monetary penalty of \$550.00 is hereby imposed. In addition, for violation of Count 1, Billy K. Matney agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Billy K. Matney also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

In the matter of Consent Order File Number 2006-03425, Board v. John Crockett & Assoc., t/a John Crockett & Assoc., the Board reviewed the Consent Order.

John Crockett & Assoc., t/a John Crockett & Assoc., acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.8 \$375.00; Count 2: 18 VAC 50-22-260.B.27 \$1,000.00; and Count 3: 18 VAC 50-22-260.B.6 \$1,000.00. A total monetary penalty of \$2,375.00 is hereby imposed. In addition, for violation of Counts 1, 2 and 3, John Crockett & Assoc. agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. John Crockett & Assoc. also agrees to pay \$500.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Smith, Tomlin Walton and Wood.
As the Board Representative, Mr. Redifer did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2006-03548, Board v. Joseph A. Zehala, t/a Joseph A. Zehala Contractor, the Board reviewed the Consent Order.

Joseph A. Zehala, t/a Joseph A. Zehala Contractor, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-230.A \$300.00. A total monetary penalty of \$300.00 is hereby imposed. In addition, Joseph A. Zehala agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within six (6) months of the effective date of the Order. Joseph A. Zehala also agrees to pay \$150.00 in Board costs.

File Number
2006-03425
John
Crockett &
Assoc., t/a
John
Crockett &
Assoc.

File Number
2006-03548
Joseph A.
Zehala, t/a
Joseph a
Zehala
Contractor

Upon a motion by **Ms. Wood** seconded by **Mr. Kirby** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Cronin, Hart, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.**

As the Board Representative, Mr. Kinser did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2006-04345, Board v. Larry W. Pippin, t/a Affordable Home Repair, the Board reviewed the Consent Order.

**File Number
2006-04345
Larry W.
Pippin, t/a
Affordable
Home
Repair**

Larry W. Pippin, t/a Affordable Home Repair, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.6 \$800.00; and Count 2: 18 VAC 50-22-260.B.29 \$500.00. A total monetary penalty of \$1,300.00 is hereby imposed. In addition, Larry W. Pippin agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Larry W. Pippin also agrees to pay \$150.00 in Board costs.

Upon a motion by **Ms. Wood** seconded by **Mr. Kirby** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.**

Miller was absent.

In the matter of Consent Order File Number 2006-04439, Board v. Residential Repair Services, Inc., t/a Residential Repair Services, Inc., the Board reviewed the Consent Order.

**File Number
2006-04439
Residential
Repair
Services,
Inc., t/a
Residential
Repair
Services,
Inc.**

Residential Repair Services, Inc., t/a Residential Repair Services, Inc., acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.15 \$1,000.00. A total monetary penalty of \$1,000.00 is hereby imposed. In addition, Residential Repair Services, Inc. agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within six (6) months of the effective date of the Order. Residential Repair Services, Inc. also agrees to pay \$150.00 in Board costs.

Upon a motion by **Mr. Kinser** seconded by **Mr. Kirby** the board ratified the

consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin and Walton.
As the Board Representative, Ms. Wood did not participate and did not vote.

Miller was absent.

n the matter of Consent Order File Number 2006-04564, Board v. T S Construction, LLC, t/a T S Construction, LLC, the Board reviewed the Consent Order.

T S Construction, LLC., t/a T S Construction, LLC, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.8 \$150.00. A total monetary penalty of \$150.00 is hereby imposed. In addition, for violation of Count 1, T S Construction, LLC agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. T S Construction, LLC also agrees to pay \$150.00 in Board costs.

**File Number
2006-04564
T S
Constructio
n , LLC, t/a
T S
Constructio
n, LLC**

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

n the matter of Consent Order File Number 2006-04723, Board v. Cynthia Vanwroten, t/a Vanwroten Creations, the Board reviewed the Consent Order.

Cynthia Vanwroten, t/a Vanwroten Creations, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.8 \$200.00; Count 2: 18 VAC 50-22-210 \$400.00 and Count 3: 18 VAC 50-22-260.B.28 \$1,500.00. A total monetary penalty of \$2,100.00 is hereby imposed. In addition, for violation of Counts 1, 2 and 3, Cynthia Vanwroten agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of this Order. The Board shall waive imposition of the \$400.00 monetary penalty for Count 2 provided Cynthia Vanwroten applies for a new license for the new business entity within thirty (30) days of the effective date of the Order. If Cynthia Vanwroten fails to comply with

**File Number
2006-04723
Cynthia
Vanwroten,
t/a
Vanwroten
Creations**

this condition, then the full monetary penalty will be automatically imposed.

Furthermore, the Board shall waive imposition of the \$1,500.00 monetary penalty for Count 3 provided Cynthia Vanwroten satisfies the judgment and provides the Board with proof of the satisfaction within thirty (30) days of effective date of the Order. If Cynthia Vanwroten fails to comply with these conditions, then the full monetary penalty will be automatically imposed.

Cynthia Vanwroten also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

n the matter of Consent Order File Number 2006-04742, Board v. Lisa Marie Beegle, t/a Cos Construction, the Board reviewed the Consent Order.

Lisa Marie Beegle, t/a Cos Construction, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.9 \$150.00; Count 2: 18 VAC 50-22-260.B.31 \$200.00; Count 3: 18 VAC 50-22-260.B.30 \$800.00; Count 4: 18 VAC 50-22-260.B.6 \$400.00 and Count 5: 18 VAC 50-22-260.B.13 \$1,000.00. A total monetary penalty of \$2,550.00 is hereby imposed. The Board shall waive imposition of the \$150.00 monetary penalty for Count 1 provided Lisa Marie Beegle provides a copy of her current contract within ninety (90) days of the effective date of the Order. If Lisa Marie Beegle fails to comply with this condition, then the full monetary penalty will be automatically imposed. In addition, for violation of Counts 1 through 5, Lisa Marie Beegle agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of this Order. Lisa Marie Beegle also agrees to pay \$150.00 in Board costs.

**File Number
2006-04742
Lisa Marie
Beegle, t/a
Cos
Constructio
n**

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

In the matter of Consent Order File Number 2006-04884, Board v. Chantilly Excavating & Paving Corporation, the Board reviewed the Consent Order.

**File Number
2006-04884
Chantilly
Excavating
& Paving
Corporation**

Chantilly Excavating & Paving Corporation, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.9 \$50.00 and Count 2: 18 VAC 50-22-260.B.28 \$0.00. A total monetary penalty of \$500.00 is hereby imposed. In addition, for violation of Count 2, Chantilly Excavating & Paving Corporation agrees to satisfy the judgment and provide the Board with proof of the satisfaction within sixty (60) days of the effective date of the Order. If Chantilly Excavating & Paving Corporation fails to satisfy the judgment, its license shall be automatically revoked.

Chantilly Excavating & Paving Corporation also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kinser the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

As the Board Representative, Mr. Kirby did not participate and did not vote

Miller was absent.

In the matter of Consent Order File Number 2006-05205, Board v. Karl B. Turner, Jr., t/a Turners Pool and Spa Service, the Board reviewed the Consent Order.

**File Number
2006-05205
Karl B.
Turner, Jr.
t/a Turners
Pool and
Spa Service**

Karl B. Turner, Jr., Turners Pool and Spa Service, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.15 \$1,500.00. A total monetary penalty of \$1,500.00 is hereby imposed. In addition, for violation of Count 1, Karl B. Turner, Jr. agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Karl B. Turner, Jr. also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kinser the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood. As the Board Representative, Mr. Kirby did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2007-00026, Board v. Alton B. Smith, t/a A-B's Home Improvements, the Board reviewed the Consent Order.

**File Number
2007-00026
Alton B.
Smith, t/a A-
B's Home
Improvements**

Alton B. Smith, t/a A-B's Home Improvements, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.28 \$800.00. A total monetary penalty of \$800.00 is hereby imposed. In addition, the Board shall waive imposition of the \$800.00 monetary penalty for Count 1 provided Alton B. Smith satisfies the judgment and provides the Board with proof of the satisfaction within ninety (90) days of the effective date of the Order. If Alton B. Smith fails to comply with these conditions, then the full monetary penalty will be automatically imposed.

Further, for the violation of Count 1, Alton B. Smith agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Alton B. Smith also agrees to pay \$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

In the matter of Consent Order File Number 2007-00116, Board v. Larry Wayne Gallihugh, t/a L B & M Construction, the Board reviewed the Consent Order.

**File Number
2007-00116
Larry
Wayne
Gallihugh,
t/a L B & M
Construction**

Larry Wayne Gallihugh, t/a L B & M Construction, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.27 \$0.00; Count 2: 18 VAC 50-22-260.B.17 \$0.00; Count 3: 18 VAC 50-22-260.B.6 \$0.00; Count 4: 18 VAC 50-22-260.B.29 \$0.00; Count 5: 18 VAC 50-22-260.B.31 \$0.00; Count 6: 18 VAC 50-22-260.B.14 \$0.00 and Count 7: 18 VAC 50-22-260.B.16 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, for violation, Larry Wayne Gallihugh agrees to revocation of his license (Number 2705-092039). Larry Wayne Gallihugh also agrees to pay

\$150.00 in Board costs.

Upon a motion by Ms. Wood seconded by Mr. Kinser the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood. As the Board Representative, Mr. Kirby did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2007-00331, Board v. Appalachian Home Improvement, Inc., t/a Appalachian Home Improvement, the Board reviewed the Consent Order.

Appalachian Home Improvement, Inc., t/a Appalachian Home Improvement, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.31 \$400.00. A total monetary penalty of \$400.00 is hereby imposed. In addition, for violation of Count 1, Appalachian Home Improvement, Inc. agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Appalachian Home Improvement, Inc. also agrees to pay \$150.00 in Board costs.

**File Number
2007-00331
Appalachian
Home
Improve-
ment, Inc.,
t/a
Appalachian
Home
Improve-
ment**

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

In the matter of Consent Order File Number 2007-01590, Board v. Bruce Glass & Kenneth McDaniel, Jr., t/a Cavalier Windows & Siding/Home Improvements, the Board reviewed the Consent Order.

Bruce Glass & Kenneth McDaniel, Jr., t/a cavalier Windows & Siding/Home Improvements , acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.9 \$0.00; Count 2: 18 VAC 50-22-210 \$0.00 and Count 3: 18 VAC 50-22-260.B.16 \$0.00. A total monetary penalty of \$0.00 is hereby imposed. In addition, Bruce glass & Kenneth McDaniel, Jr. agrees to revocation of its license (Number 2705-102063).

**File Number
2007-01590
Bruce glass
& Kenneth
McDaniel,
Jr., t/a
Cavalier
Windows &
Siding/Hom
e
Improvemen
ts**

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood. As the Board Representative, Mr. Kinser did not participate and did not vote.

Miller was absent.

In the matter of Consent Order File Number 2007-00372, Board v. Kenneth Patrick Lucey, t/a Sam's Plumbing & Repair, the Board reviewed the Consent Order.

Kenneth Patrick Lucey, t/a Sam's Plumbing & Repair, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board: Count 1: 18 VAC 50-22-260.B.27 \$150.00. A total monetary penalty of \$150.00 is hereby imposed. In addition, for violation of Count 1, Kenneth Patrick Lucey agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within ninety (90) days of the effective date of the Order. Kenneth Patrick Lucey also agrees to pay \$150.00 in Board costs.

File Number
2007-00372
Kenneth
Patrick
Lucey, t/a
Sam's
Plumbing &
Repair

Upon a motion by Ms. Wood seconded by Mr. Kirby the board ratified the consent order with an unanimous vote: Members voting "Yes" were: Cronin, Hart, Kinser, Kirby, Modisett, Orange, Rackas Pate, Redifer, Smith, Tomlin Walton and Wood.

Miller was absent.

Eric Olson shared the following information with the Board members.

1. The Virginia Plumbing and Mechanical Association has applied to be a provider.
2. The Water Well Regulations have been approved by the governor and are ready for the next step in the process. Staff is planning a hearing in Richmond and one in Roanoke Virginia to receive public comments on the proposed regulations.
3. Eric met with Spotsylvania County officials and they want to see how you determine qualifications for specialties.

Other
Business

Mr. Redifer shared that Virginia Sprinkler Company, Inc's will be offering classes starting in February or March of 2007

Virginia
Sprinkler
Company,
Inc.

Board for Contractors Meeting Minutes

January 23, 2007

Page 48 of 48

Their being no further business to come before the board, the meeting was adjourned at 12:50 P.M. upon a motion by Ms. Wood and seconded by Mr. Kirby. The vote was unanimous. Members voting yes were: **Cronin, Hart, Kinser, Kirby, Rackas-Pate, Redifer, Smith, Tomlin, Wood, Orange, Modisett and Walton.**

Adjourn-
ment

Miller was not present and did not vote.



Mark D. Kinser, Chairman



Jay W. DeBoer, Secretary

Copy teste:

Custodian of the Record

STATE AND LOCAL GOVERNMENT

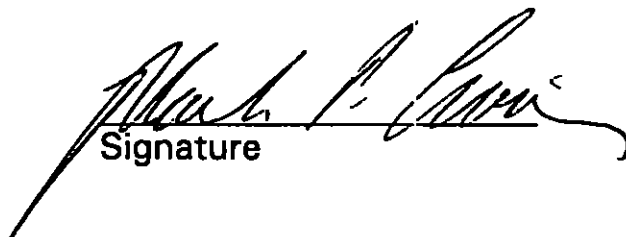
CONFLICT OF INTEREST ACT

1. Name: Mark Cronin
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date

STATE AND LOCAL GOVERNMENT

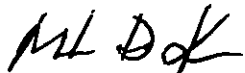
CONFLICT OF INTEREST ACT

1. Name: Mark Kinser
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Robert Kirby
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**

5. Nature of Personal Interest Affected by Transaction:

Pres - DE Koon, Inc. , Kirby & Kirby
Assoc.

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Assoc of VA, Employers & Contractors Exch.
RMP of VA.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

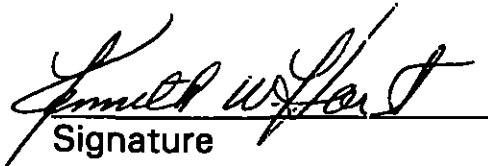
1. Name: **Kenneth W. Hart**
2. Title: **Member – Board for Contractors**
3. Agency: **Department of Professional & Occupational Regulation**
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:


(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Jeffrey Modisett
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

None

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Conquest, Mancini & Dunn Inc and Associated

General Contractors of Va.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Jeffrey A. Modisett

Signature

January 23, 2007

Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Anthony Orange
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: BOARD FOR CONTRACTORS MEETING
5. Nature of Personal Interest Affected by Transaction:

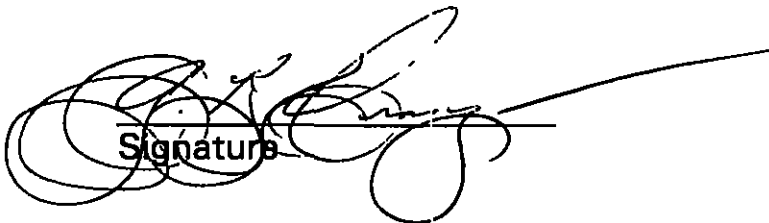
N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I.B.E.W. L.L.C.C.C.

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date

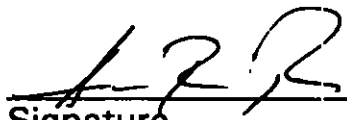
STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

1. Name: Ann Rackas Pate
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

January 23, 2007
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**

1. Name: Michael Redifer
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

VBLOA UPMIA ILL NFPA IAEI

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date

STATE AND LOCAL GOVERNMENT

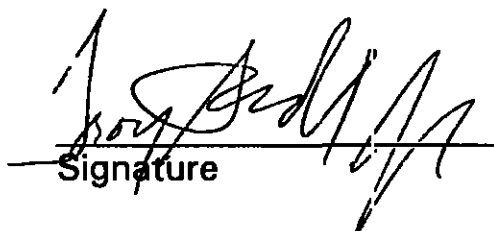
CONFLICT OF INTEREST ACT

1. Name: Troy Smith, Jr.
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Deborah Tomlin
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

N/A

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Deborah Tomlin

Signature

January 23, 2007

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

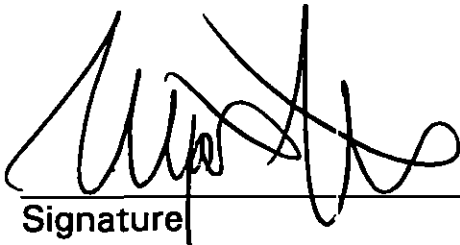
1. Name: Wyatt H. Walton, III
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b)

I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date

STATE AND LOCAL GOVERNMENT


CONFLICT OF INTEREST ACT

1. Name: Dorothy Wood
2. Title: Member – Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **BOARD FOR CONTRACTORS MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

January 23, 2007
Date